

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-6477

CHRISTOPHER J. MOLTZ,

Petitioner - Appellant,

versus

RONALD J. ANGELONE,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Jerome B. Friedman, District Judge. (CA-02-397-2)

Submitted: May 15, 2003

Decided: May 29, 2003

Before LUTTIG and KING, Circuit Judges, and HAMILTON, Senior Circuit Judge.

Dismissed by unpublished per curiam opinion.

Christopher J. Moltz, Appellant Pro Se. Leah Ann Darron, Assistant Attorney General, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Christopher J. Moltz seeks to appeal the district court's order adopting the recommendation of the magistrate judge and denying relief on his petition filed under 28 U.S.C. § 2254 (2000).^{*} We have independently reviewed the record and conclude that Moltz has not made a substantial showing of the denial of a constitutional right. See Miller-El v. Cockrell, ___ U.S. ___, 123 S. Ct. 1029 (2003). Accordingly, we deny a certificate of appealability and dismiss the appeal. See 28 U.S.C. § 2253(c) (2000). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED

^{*} Our review of the record reveals that Moltz was convicted of murder, robbery, and conspiracy to commit robbery, not as an accessory after the fact of murder, as stated in the district court's opinion.